

REMARKS

Claims 1, 7, and 36 are amended. Claims 1-12 and 36-40 are presented for examination.

The invention relates to video sharing, and more particularly to techniques for advertisement-supported video sharing using an automated, network-accessible server in which advertisers provide advertisements that users can associate with user-uploaded videos, each identified by a still image in the form of a thumbnail. The claims have been amended to clarify this inventive concept.

Claim Rejections – 35 USC § 103

The examiner has rejected the independent claims variously over combinations of U.S. Pub. No. 2001/0047294 to Rothschild (“Rothschild”), XP-002150023 entitled “Streaming Email”, U.S. Pat. No. 6,774,926 to Ellis et al. (“Ellis”), and U.S. Pat. No. 6,820,277 to Eldering et al. (“Eldering”). The applicant respectfully traverses these rejections.

As preliminary matter, the applicant notes that Rothschild does not qualify as prior art for this application. Rothschild was filed on Jan. 5, 2001, more than four months *after* the present application (Aug. 3, 2000), and claims priority to a provisional application filed on January 6, 2000, more than four months *after* the earliest priority claim (Aug. 3, 1999 – U.S. App. No. 60/147,029) for the present application. The rejection based upon Rothschild must be withdrawn unless the examiner can identify some relevant subject matter that is disclosed in the Rothschild priority document (U.S. Prov. App. No. 60/174,781) but not disclosed in the applicant’s provisional application. This reference must be withdrawn from consideration.

The applicant also traverses the official notice at page 7, par. 2 of the Office Action that “publishing links to videos in web pages is notoriously well known in the art”. While this may be true today, the applicant does not concede that this was true in August 1999. And more particularly, the applicant maintains that it was absolutely not notoriously well known to publish a link to a video that was received from a client along with a selection of an advertisement, confirming that the video is in a streaming format, and then sending an electronic communication with an advertisement and the link to the

video as presently claimed. The applicant respectfully requests that the examiner provide documentary evidence showing publishing a link to a video before the filing date of this application in order for the applicant to evaluate the scope of the teachings upon which the examiner is relying, and to determine whether it is appropriate to combine these alleged teachings of the prior art with the balance of the claimed invention in a manner that would prevent patentability. Alternatively, if the examiner is relying on personal knowledge, pursuant to MPEP 2144.03 and 37 CFR 1.104(d)(2), the examiner may provide an affidavit or declaration setting forth specific factual statements and explanations to support the findings based upon this official notice.

Turning to the remaining art of record, the applicant notes that each of the independent claims has been amended to recite the creation of an identifier (or “identification tag”) for a video that contains a link to the video and a still image in the form of a thumbnail. None of the art of record describes the use of a thumbnail image in a video identifier as presently claimed.

Conclusion

The claims currently pending in this case, as amended above, are believed to be in condition for allowance. The applicant therefore requests that the examiner withdraw any outstanding objections and rejections and issue a notice of allowability for pending claims 1-12 and 36-40.

The Commissioner is authorized to refund any overpayment or charge any deficiencies associated with this paper to Deposit Account No. 50-4262.

Respectfully submitted
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